3:Chao E-5 (1939-1941)1948 AF12 North China AF12

834 Physiologically, the satisfaction of the sex impulse requires only two individuals. In human society sex is, however, much more than physiological. Customs requires the sex relation to be sanctioned by a group.[13] It has already been stated that a marriage is the union of two families. Furthermore the wedding of two individuals is a community affair. Pre-marital and extra-marital sexual affairs are negatively sanctioned. Under such circumstances, the sex relation becomes a social institution. In P'ing-chiao-tsun, the institutionalization of sex relations has gone so far that the carnal element has been obscured. The satisfaction of the sex impulse involves the cooperation of a group larger than the union of two families and still far greater than the union of two individuals.

Social Order

626 In so far as man adopts the roundabout method in the satisfaction of his material needs, and in so far as the satisfaction of the human sex impulse is something more than the physiological union of two individuals, the order of political relationships among human beings has to be maintained. It has already been shown that normal union of the two sexes has to be sanctioned by the community. The exchange of material means and services, so important in the roundabout way of human satisfaction of hunger, also requires a set of rules of sanction.[14] It is because the problem of sanction and order is so important that a separate section is devoted to it.[15]

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13 By far the most significant study of sexual life from the sociological standpoint is the work of Bronislaw Malinowski. See The Sexual Life of Savages in North-Western Melanesia, An Ethnographic Account of Courtship, Marriage, and Family Life among the Natives of the Trobriand Islands, British New Guinea, 1st edition, London, 1929, third edition, 1932. See also his early publication, Sex and Repression in Savage Society, London, 1927.

14 "A sanction is a reaction on the part of a society or of a considerable number of its members to a mode of behavior which is thereby approved (positive sanctions) or disapproved (negative sanctions)." — A. R. Radcliffe-Brown, "Sanction, Social", in Encyclopaedia of Social Sciences, Vol. 13, p. 531. Bronislaw Malinowski laid special emphasis on the principle of reciprocity in maintaining social order. See Crime and Custom in Savage Society, London, 1926; also his "Introduction" in H. Ian Hogbin, Law and Order in Polynesia, New York, 1934.

15 Sumner and Keller have included "regulative organization" (including government and law) together with "industrial organization" under "self-maintenance". See The Science of Society, Vol. I, New Haven, 1927.

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Space is too limited to allow going into further details of the question of law and social order.[16] It suffices to say that villagers know very little about law and yet they seldom commit crime. The backbone of the social order of P'ing-chiao-tsun is customary sanction and not laws promulgated by governments. While the family is a very important unit in the process of ordering and control, public opinions in the form of gossips among villagers are too strong for any one to neglect.

Sacred Order

The maintenance of a social order in P'ing-chiao-tsun depends upon forces which extend beyond the secular into the sacred. There is no greater disturbance in normal life aside from military attacks than what is called by the social anthropologists the "life crises" such as birth, marriage and death. In addition to these life crises, the uncertainty of agricultural production due to "water and wind" should be also mentioned. Both life crises and agricultural crises may disturb any existing equilibrium in the social structure, and some means must be provided to have it re-established. When all secular means fail man, he has to appeal to the mystic powers in the unseen world. He has to rescue life from death; so he has to depend on religion.[17]

The birth of a child is called a happy event. But mortality is high. Parents are busy with other businesses of life and their knowledge of child care is limited. Anxiety over the security of an infant, under such circumstances, is very high indeed. Here, religion comes to the rescue. Many ceremonies of a magico-religious nature are performed in certain intervals such as three days, one hundred days and one year after birth to assure the child's life. When even these magico-religious performances fail, it is the fate of man and not the failure of gods.

Marriage is also a happy event, but the newcomer may be a trouble-maker, and the union may not be approved by gods and ancestral spirits. Performances of a magico-religious nature are made before, during and after wedding. As mentioned previously, the

16 A paper on law and social order in P'ing-chiao-tsun is in preparation.

17 Bronislaw Malinowski, "Magic Science and Religion", in Science Religion and Reality, edited by Joseph Needham, New York, 1925, pp. 19-84; A. R. Radcliffe-Brown, The Andaman Islanders, A Study in Social Anthropology, Cambridge University Press, 1922.

4: Burgess E-4, 5 (1926-1927) 1928 AF12 North China AF12

These are the principal functions of the Mayor of the Chinese municipium, and under the paternal government of this Father and Mother of the People" the ruled might be expected to be a body of abject slaves. This is far from being the case. In most countries the people may be divided into the law-abiding 634 and the lawless; in China a third division must be noted—those 626 who, though innocent of offense, come within the meshes of the law through the machinations of enemies. This, however, only serves to redress the balance, since the Chinese are essentially a law-abiding people, and, in the country at least, are guilty of few crimes below their common recreations of rebellion and brigandage. These they indulge in periodically when the harvest is in, if for any reason, such as flood or drought, the crops have been deficient; but, apart from this and apart from the regular visits of the tax-collector, it is doubtful if the actual existence of a government is brought tangibly to the notice of a tenth, certainly not to a fifth, of the population. The remaining eighty or more per cent live their daily life under their customs, the common law of the land, interpreted and executed by themselves. Each village is the unit for this common-law government, the fathers of the village exercising the authority vested in age, but acting under no official warrant, and interpreting the customs of their fathers as they learned them in their youth.[1]

The town where the official lives was, according to Morse, treated very much like a village. 632

The town is considered a collection of villages, being divided into *chia*, "wards," each with its *Tipao*, whose duties are the same as those of his country colleague.[2] 651

The function of the official as a tax collector was the one that affected the life of the people in town or country the most directly. There were two principal types of taxes: the land tax and the tribute or tax on the products of the

[1] Morse, *op. cit.*, p. 59.

[2] *Ibid.*, pp. 60-61.

4: Burgess E-4, 5 (1926-1927) 1928 AF12 North China AF12

All professionals who have learned their professions are guild members. In the case of the porters alone a strict division appears to be made between the leaders and the common workmen. All, however, are guild members.

C. The Inclusiveness of Guild Membership

Table VII records the replies of the guildsmen to the question of whether or not it was essential for a member of their respective crafts, trades or professions in the guild area

Table VII

The Inclusiveness of Guild Membership

	Compulsory	Uncertain	Optional	Total
Craft	10	2	4	16
Commercial		1	17	18
Professional	4	1	3	8
Total	14	4	24	42

to join the guild—whether membership was on their part "compulsory" or "optional." These terms, however, are decidedly ambiguous. The term "compulsory" may mean anything from being forced to join the guild to avoid physical injury to a recognition on the part of the worker of the practical necessity of doing so if he is to carry on his business. After the establishment of the Republic in Peking the police denied the right of the guilds to inflict corporal punishment.[1] Although guildsmen were restricted in the use of physical force, the weapons of the boycott and social ostracism still remain. In many cases it is not so much a question of "forcing" members to join as of the practical impossi-

[1] Gamble and Burgess, *op. cit.*, p. 174.

4: Burgess E-4, 5 (1926-1927) 1928 AF12 North China AF12

bility of carrying on business without belonging to a guild. The statement that most of the craft guilds make membership "compulsory" for all in their craft and that practically all the commercial guilds make it "optional" should not, then, be taken at its face value.

A more careful study of the replies shows varying degrees of compulsion. The carpenters report that unless one joins the guild a "permit" to do work cannot be given. If an offender is detected, he is fined, but it is indicated that guildsmen hesitate to report the independent shops for fear of giving offense! The masons similarly report that "those who do not join, if reported, are fined. Those in Peking always join for fear of unemployment." In the case of these two and of many other craft guilds there is this endeavor to make all workers join, although there are indications that they are sometimes unsuccessful.

For Silk Thread Makers it is essential that the heads of the shops join. A group of investigators is employed to make sure that there are no independent competitors. The workmen are in this case not members of the guild. The managers of the Coal Stores are likewise required to join their guild, but not the workmen.

The practical necessity of joining if one is to make ends meet is brought out clearly by several of our informants. The Leather Box Makers "who do not join the guild cannot make a living." For the workers in the Clock Stores joining the guild is "optional, but those who do not join cannot get the advantages of guild membership." We are told that membership in the Oil Stores Guild "is optional, *but all belong.*" The porters report that all join the guild in order that all may have "the privilege of working." On the other hand it is clear that in certain guilds the term "optional" has a literal meaning. Joining the Rice and Flour Guild is optional; "two-fifths of all the stores are

4: Burgess E-4, 5 (1926-1927) 1928 AF12 North China AF12

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members." "Ninety per cent" of the professional story tellers belong to the guild.

D. Area of the Guilds' Operations

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The reported purely local character of Chinese guilds is verified by our study, as is shown in Table VIII. Williams had already pointed this out, as follows:

> The craft guilds are local only. They are limited to one craft in one town. The carpenters' guild of Soochow has nothing to do with the carpenters' guild of Shanghai. There is no provincial union of carpenters, much less any approach to a national guild of carpenters. A similar condition exists in other trades.[1]

He also tells us that most of the merchant guilds are like the craft guilds, of a purely local character.[2]

Table VIII

Area of Guilds' Operations

	Craft	Commercial	Professional
A section of Peking	2	1	3
Peking city only	8	14	5
Peking and Hai Tien	4		
Peking, Hai Tien Ching Lung Chiao	1	3	
Peking and surrounding towns—radius of 20 miles	1		
Total	16	18	8

Of the forty-two guilds studied, thirty-three confine their memberships to residents either in the city of Peking or in

[1] Williams, *China: Yesterday and Today*, p. 189.

[2] *Ibid.*, p. 195.

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TABLE XVII—*Continued*

	Guilds fixing prices	Guilds fixing wages	Guilds standardizing goods
Professional			
1. Actors		No	
2. Barbers	Yes		
3. Blind	"	No	
4. Cooks		"	
5. Story Tellers		"	
6. Waiters		"	
7. Kitchen Coolies			
8. Porters	No	Yes	
Total	2 yes	1 yes	0 yes

of the sixteen. Among the professional guilds the Barbers, the Blind and the Porters have guild rates for their services, but only the Porters have a minimum guild-determined wage. In the commercial guilds the Clock Stores have regular rates for mending, and two other guilds have fixed prices. Wages are not determined by any of the commercial guilds. There were very few replies to the question about the standardization of goods. There is no evidence in the guildsmen's reports that there is any such practice.

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The minute regulation and procedure carefully described by Morse and Macgowan seem to be lacking in most of the Peking guilds. The question naturally arises, if so few guilds regulate these important economic procedures, wherein lie their undoubted strength and control? The answer seems to be that the reports should be judged in the light of common practice rather than from the legalistic Western viewpoint, which always looks for a regulation or a law as a needed instrument for guiding economic relations of this type. Gamble[1] has brought out the fact that wages are

[1] Meng and Gamble, *Prices, Wages and the Standard of Living in Peking.*

4. Burgess E-4, 5 (1926-1927) 1928 AF12 North China AF12

raised by the guilds when the prices of food rise or when money values fall. He shows that there is a very definite customary standard of living on the one hand for the unskilled laborers, and on the other, for the skilled artisans. The masters of the shops and stores recognize this standard and are quick to grant the needed increase whenever circumstances warrant. Custom rather than definite guild action largely determines wages in these guilds. The same is true, perhaps to a lesser degree, in relation to prices. No detailed study has been made of the prices of most of the products made or sold by the Peking guildsmen, but here also custom is probably a determining factor in establishing what is practically a guild rate for certain products.

The only evidence that we can find of any direct effort on the part of Peking guilds to standardize products is the attempt of the Rug Guild to set a definite price for rugs with a definite number of threads to the inch. This attempt failed because a poor quality of wool was introduced into the rugs of many of the merchants.[1] There is, however, evidence of guild control of weights and measures.[2] When a new store is organized for the sale of dyes, after the dues are paid, the guild presents the new store with a set of standard scales.

It is possible that in the earlier days there was more of an effort to standardize the goods made or sold. However, here also custom plays a very powerful rôle. In Pao Ting Fu, a large city south of Peking, certain definite types of brass teapots are made. There were only three or four very carefully fixed patterns. Other kinds of teapots simply were not made. Not until an enterprising foreigner drew other designs could these merchants be induced to produce anything but the fixed standard makes. Uniformity of design and process is also characteristic of many other crafts.

[1] Chu and Blaisdell, *op. cit.*, p. 17.

[2] *Cf.* pp. 197-198.